IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

MFA.No. 626 of 2001()

OPMV.1292/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA
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APPELLANT:

SMT. KUSUMAM, WIFE OF SUKUMARAN, PUTHENPURACKAL HOUSE, ALISSERRY WARD, ALAPPUZHA.

BY ADV. SRI.A.K.ALEX
SRI.P..VIJAYA RAGHAVAN

RESPONDENTS:
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1. MR. K.C.RAJU, KUNNEL VEETTIL MARARIKULAM SOUTH PANCHAYATH, ALAPPUZHA.

2. UNITED INDIA INSURANCE CO. LTD., ALAPPUZHA, REPRESENTED BY ITS BRANCH MANAGER, ALAPPUZHA.

3. INSPECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SHRI. SANDESH RAJA FOR R3
SRI.P.SANKARANKUTTY NAIR FOR R2

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.Raman & Antony Dominic, JJ.
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M.F.A.No.626 of 2001
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Dated this the 20th day of March, 2007.

JUDGMENT

Raman,J.

Appellant is an injured in a motor accident. He claimed compensation by filing O.P.(MV)No.1292 of 1994 on the file of the Motor Accidents Claims Tribunal, Alappuzha. The Tribunal by its award impugned in this appeal, awarded a compensation of Rs.11,310/- with 12% interest from the date of petition till realisation.

2. The only point that is pressed at the time of hearing is that even though the Doctor certifies 7% permanent disability and though the Tribunal accepted 5%, however did not give any compensation towards loss of earning as a result of permanent disability. We have gone through the award under appeal and we find that the contention of the appellant is correct. The Tribunal though accepted 5% permanent disability, did not proceed to award any amount towards loss of earning as a result of the permanent disability sustained by the appellant. As per the F.I. Statement, the appellant was aged 49 at the time of the accident. In this case we adopt 13 as the multiplier and fix the income at Rs.1140/- as fixed by the Tribunal. The

compensation if computed on that basis, it comes to Rs.8890/- and we award the same as additional compensation over and above what is awarded by the Tribunal. The amount now awarded by us will carry interest at the rate of 7% per annum from the date of the order of the Tribunal till realisation.

Appeal is disposed of as above.

P.R.Raman,
Judge.

Antony Dominic
Judge.

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